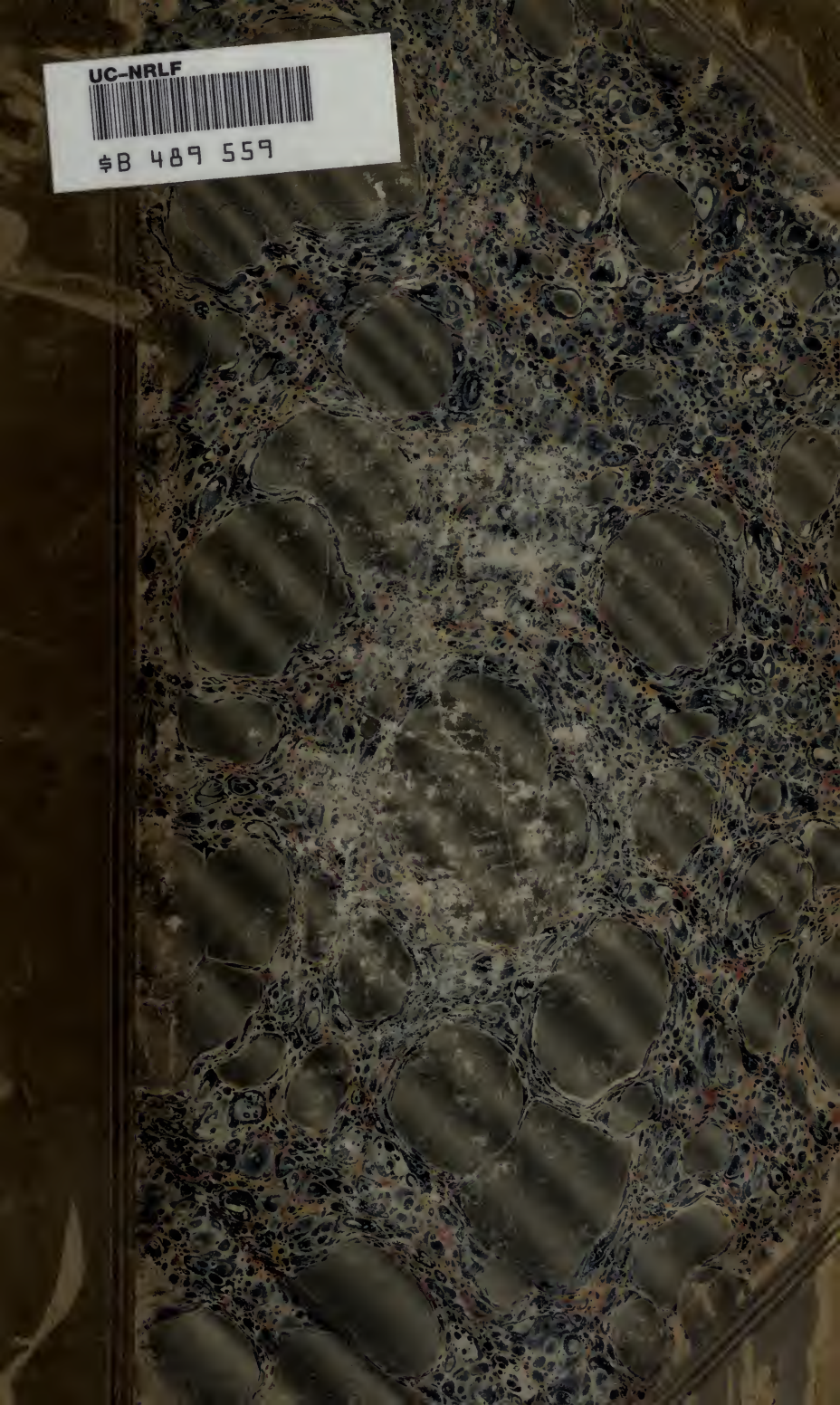


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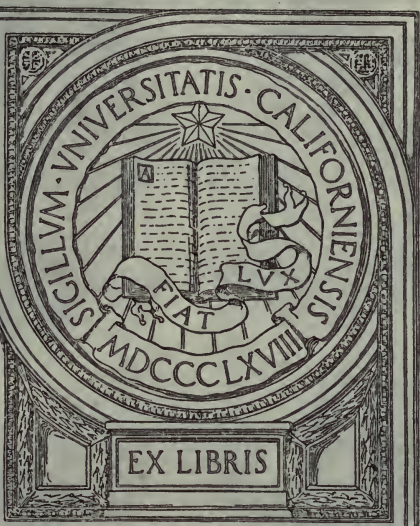
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*John Eustace Grubbe.*





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# ANNALS

OF THE

ROYAL SOCIETY

OF LONDON

FOR THE YEAR

1850

AND THE PROCEEDINGS OF THE SOCIETY

IN THE YEAR 1850

AND THE PROCEEDINGS OF THE SOCIETY

1850

127.

# AN APPEAL

TO

THE REASON AND GOOD FEELING

OF THE  
ENGLISH PEOPLE

ENGLISH PEOPLE

ON THE SUBJECT OF

THE CATHOLIC HIERARCHY.

BY

CARDINAL WISEMAN.

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LONDON:

THOMAS RICHARDSON AND SON,

172, FLEET STREET; 9, CAPEL STREET, DUBLIN;

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## INTRODUCTION.

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THE following tract will be better understood, if the history of the establishment of the Catholic Hierarchy in England be briefly stated.

The Catholics had been governed in England by Vicars-Apostolic, since 1623 ; that is, by Bishops with foreign titles, named by the Pope, and having jurisdiction as his vicars or delegates. In 1688 their number was increased from one to four ; in 1840 from four to eight.

A strong wish had begun to prevail, on the part of the English Catholics, to change this temporary form of government for the ordinary form, by Bishops with local titles, that is, by an ecclesiastical Hierarchy. Petitions had been sent for this purpose to the Holy See. The first, I believe, was in 1834.

In 1847 the Vicars-Apostolic, assembled in London, came to the resolution to depute two of their number to Rome, to petition earnestly in their names for this long-desired boon. The writer of the present appeal was one ; and as he drew up the memorial on the subject, addressed to the Holy See, he may be allowed to give a brief analysis of its contents. This will show how the Bishops looked upon it, not as a matter of triumph, or a measure of aggression, but as a simply administrative provision, necessary for the government of their flocks. The main ground set forth, for the necessity or expediency of having an ecclesiastical Hierarchy, was as follows :—

It was observed, that until now the only regulation or code of government possessed by the English Catholics, was the Constitution of Pope Benedict XIV., which begins *Apostolicum Ministerium*, and which was issued in 1743, a hundred years ago. Now this Constitution had grown obsolete by the very length of time, and still more by happy change of circumstances. It was based upon the following considerations :—1st, that the Catholics were still under the pressure of heavy penal laws, and enjoyed no liberty of conscience ; 2nd, that all their colleges for ecclesiastical education were situated abroad ; 3rd, that the religious orders had no houses in England ; 4th, that there was nothing approaching to a parochial division, but that most Catholic places of worship were the private chapels, and their incumbents the chaplains, of noblemen and gentlemen. There are other similar suppositions in that document, full as it is of wisdom, which, thank God, at the

present time appear as simple anachronisms. It was argued, therefore, that virtually this—the only great Constitution existing for Catholic England, part even of which had been already formally repealed by the late Pope—was rather a clog and embarrassment, than a guide.

The Catholic Church in England had so much expanded and consolidated itself, since the Emancipation Act, and its parts had so matured their mutual relations, that it could not be carried on without a full and explicit code. The Bishops, it was urged, found themselves perplexed, and their situation full of difficulty ; as they earnestly desired to be guarded from arbitrary decisions, by fixed rules, and yet had none provided for them. The uncertainty, also, of position on the part of the clergy, which resulted from this anomalous state, made it still more painful.

Such was the case submitted to the judgment of the Holy See, fully illustrated with practical applications. A remedy was therefore prayed for, and it was suggested that it could only be in one of the two following forms :—

*Either* the Holy See must issue another and full Constitution, which would supply all wants ; but which would be necessarily complicated and voluminous, and, as a special provision, would necessarily be temporary :

*Or*, the real and complete code of the Church must be at once extended to the Catholic Church in England, so far as compatible with its social position : and this provision would be final.

But, in order to adopt this second and more natural expedient, one condition was necessary, and that was—*The Catholics must have a Hierarchy*. The Canon Law is inapplicable under Vicars-Apostolic ; and, besides, many points would have to be synodically adjusted, and without a Metropolitan and Suffragans, a Provincial Synod was out of the question.

Such was the main and solid ground on which the Hierarchy was humbly solicited by Catholics from the Holy See. It was one that referred to their own internal organization exclusively. Thoughts of aggression never entered the heads of the petitioners or of the petitioned ; nor were the Bishops moved by stupid ideas of rivalry with the Established Church, in what forms its weakness, nor any absurd defiance of national prejudices. They knew that they violated no law in asking for what was needful for their religious existence, and they acted on an acknowledged right of liberty of conscience.

Other motives were added, to show the expediency of granting this boon to the English Catholics ; as, for example, that it had been granted to Australia, and was about to be granted to other colonies, without complaint from any one ; and it looked like a reproach to the mother-country to withhold from it what had been granted to its daughters.

But one more argument it is right to state, because it bears

upon the present excitement. It has been lately the fashion to speak of the Catholic policy, as though, up to the late change in its ecclesiastical organization, it had been in a position which was recognized and respected. The Bishop of London, in his answer to the Chapter of Westminster (the document is not at hand) spoke in this strain ; and Lord John Russell, in his letter to the Bishop of Durham, insinuates that its position up to this time was quite satisfactory to him. It would be easy to refer to other documents lately issued. But this is all an imaginary view of the past. Instead of this, the Catholics have been unmercifully treated by every Anglican writer, high-church or low-church, as schismatics, as rebels to the Bishops of England, as having no true Bishops. They were told, that the very outlandish names of their sees proved them to be foreigners, and that they were not even real Bishops. Read the Rev. W. Palmer on the subject,\* and see how he treated Vicars-Apostolic. In one pamphlet against the writer of this Appeal, he began by refusing him the usual courteous title, given in all civilized society to a Catholic Bishop, and sent him to the Bishop of Worcester, as his diocesan, for leave to preach ! Nay, again and again they were taunted with this—that the Pope durst not name ordinary Bishops in England, because conscious of not having authority to do so. It was, therefore, a point of no light weight and of no indifferent interest to Catholics, to have this sarcasm silenced and this obstacle removed ; for many minds allowed themselves to be influenced by the apparent advantage of ecclesiastical position on the other side. Strange that, after defying Catholics on theological grounds, when the step has been taken, these opponents should no longer consider it as a question of theology, but of prerogative ; should shrink from meeting the act with ecclesiastical argument, but shout for the sword of the state. Why did they not tell Catholics before—“ You dare not form a domestic Hierarchy (and this proves that you are not the true Church in England) ; because, if you attempt it, we will rouse the people against you, we will lash on the multitude to outrage you, and we will bring down Parliamentary enactments to crush you ! ”

But to return. These were but secondary and corroborative arguments. The ground of the pleading was the absolute necessity of the Hierarchy for domestic organization and good government. The Holy See kindly listened to the petition, and referred it to the Sacred Congregation of the Propaganda. After a full discussion, and further reply to objections, the boon was granted. The Vicars-Apostolic were desired to suggest the best divisions for new dioceses, and the best places for the titles. These were adjusted, the brief was drawn up, and even printed.

\* He is quoted by Mr. Bowyer, in an excellent pamphlet, just published.



Some difficulties arose about a practical point, and publication was delayed. In 1848, another Bishop, Dr. Ullathorne, was deputed to Rome, to remove them, and the measure was again prepared, when the Roman revolution suspended its final conclusion till now.

All this time there was no concealment, no attempt to take people by surprise. All Catholics knew of the intended measure; the papers announced it; so notorious was it, that the Dean and Chapter of Westminster petitioned Parliament against it; and a friend of the writer's heard the Dean of Westminster say, most openly, "Well, he may call himself what he pleases, but at least he can never be Dean of Westminster." In Battersby's Irish Directory for 1848, the writer was named, "Most Rev. N. Wiseman, Archbishop of Westminster." He can add, that many letters came to him so addressed.

Then why is this very act, which was openly spoken of, and hardly attracted attention, three years ago, now denounced so furiously, and characterized so foully? This is not the place to answer this question; it is only wished here to state simple facts, and leave others to reason on them.

But the main objects of this Introduction are accomplished, if it has been shown,—

*First.* That this is no wanton, sudden act; that it is not a measure of a grasping, aggressive character; but one gradually and undisguisedly matured; one based upon the necessities of the Catholic body, its internal regimen, and its healthy organization. The necessity for having a code, produced the necessity for the only government which could administer it.

*Secondly.* That the blame (if any) and the responsibility of the measure rests with the writer and his colleagues, and not with his Holiness, the best, and here the most calumniated, of men. He, as a kind father, yielded to the earnest solicitation of his children; and they, likewise, naturally suggested those details of execution which were necessary. Instead of being an aggressive act on his part, it was one of condescension to his vicars, their clergy, and people. Let his apostolic letters be calmly read by any one, and this will appear. It may be useless at this moment to stem the current of vulgar and ribald abuse that is poured out against his sacred person, and encouraged by those whose mission, if they have one, should be of peace. Time will disperse the mist, and show the transaction in its true light. In the mean time, the writer of these pages (and he is sure he is not alone) declares himself ready to stand between the Pontiff and the vituperation cast upon his act, believing it to have been most just, most expedient, nay, little less than necessary, for the well-being of the Catholic Church in England. And yet, for Englishmen, it ought to have been sufficient to say—"It is strictly within the law."



# A N A P P E A L,



AN agitation, perhaps unparalleled in our times, has been raised by the constitution of a Catholic Hierarchy in this island. Its violence has been that of a whirlwind, during which it would have been almost folly to claim a hearing. After the news reached England of the measure being completed, a pause of a few days ensued, as if the elements were brewing for the storm. Then it burst out with absolute fury; every newspaper (with a few honourable exceptions) seemed to vie with its neighbour, of most opposite politics and principles, in the acrimony, virulence, and perseverance of its attacks; Liberal and Conservative, Anglican or Dissenting, grave or light, as their usual tone and character might previously have been, the energies of all seemed concentrated upon one single point, that of crushing if possible, or denouncing at least to public execration, the new form of ecclesiastical government, which Catholics regarded as a blessing and an honour. For this purpose, nothing was refused, however unfounded, however personal, even by papers whose ordinary tone is courteous, or at least well-bred. Anecdotes without a particle of truth, or what is worse, with some particles of distorted truth in them, have been copied from one into another, and most widely circulated. Sarcasm, ridicule, satire of the broadest character, theological and legal reasonings of the most refined nature, bold and reckless declamation, earnest and artful argument—nothing seemed to come amiss; and every invocable agency, from the Attorney-General to Guy Fawkes, from *præmunire* to a hustling, was summoned forth to aid the cry, and administer to the vengeance of those who raised it.

And, in fact, there soon sprung up from amidst the first confusion a clearer and more natural agent, interested in promoting it. The Established Church of England looks upon the new constitution, accorded by the Holy See to Catholics, as a rival existence; and it is but natural that its clergy should exert themselves to the utmost, to keep up an excitement which bears an appearance of attachment to themselves. And hence, by degrees,

the agitation has been lately subsiding into a mere clerical and parochial movement.

A few years ago, an excitement somewhat similar was caused by the proposed augmentation of the grant to Maynooth College. Political and religious feelings brought parties, otherwise generally discordant, into harmonious opposition to the increase. But the great statesman who then presided over her Majesty's councils, and whose loss the country has lately so sincerely deplored, nobly stemmed the tide, carried his increase with calm dignity through the legislature, and yielded naught to public outcry. At the present crisis, the Catholics of England had no right to expect any co-operation from the Government of the country—they asked for none; but they had the right of every citizen to impartiality. They naturally might have expected that he, to whom was entrusted the helm of the State, would keep himself above those influences of party feeling which disqualify the mind for grave and generous counsels; would preserve himself uncommitted by any hasty or unofficial expression of opinion; would remain on the neutral ground of his public responsibility, to check excess on every side, and moderate dangerous tendencies in any party. Instead of this, the Head of her Majesty's Government has astonished, not this country alone, but all Europe, by a letter which leaves us but little hope that any appeal to the high authority which rules over the empire would be received, to say the least, with favour.

But another and a still graver power in the State has allowed itself to be swayed, by the passing blast, from the upright and inflexible position which Englishmen have ever considered natural to it. Whatever the agitation and storm that raged around, we have been accustomed to feel sure that the fountains of justice would retain their surface calm and unruffled, and their waters cool and pure. The highest secular dignity in the land has been wisely adjudged to him, who, either seated at the head of the noblest assembly in the world, holds with unswerving hand the balance of constitutional justice, and utters, in venerated accents, decisions on the most delicate topics of public and royal rights, which pass into very aphorisms of legislation; or, enthroned in the innermost sanctuary of justice, decides, almost without appeal, upon causes of vast magnitude, and enters the records of his decisions upon the law-tables of the empire. But on the present occasion the storm has been strong enough to disturb the very spring of equity. Instead of waiting till, from the woolsack or the bench, he might have been called upon to speak with impartial solemnity on what may be thought a momentous question, the Lord High Chancellor of England has preferred to deliver his award against us from behind the tables of a Mansion House banquet, and so elicit the anti-Popish cheers of his civic companions, rather than the honoured approbation of the peerage or the bar. His



compeer in high judicial duties sat by and listened ; was indignant, and justly censured :\* should he survive to be his biographer, let him, for the honour of More's ermine, suppress the undignified and un-English phrases which he heard ; for no one here, however raised up, has a right to talk of placing his heel upon even the covering of another's head, who, however humble, is as much a British subject and a freeman as himself, and claims equal protection from, as he pays equal deference to, the law of his country.

While thus the avenues to public justice seem closed against us ; while the press has condemned and raised our death-whoop, in spite of proffered explanations, deaf to every call for a fair hearing ; while we may consider that the door of the Treasury may be barred against us, if we knock to ask, not for pensions or funds, but for a reasonable hearing ; when the very highest judicial authority has prejudged and cut off all appeal from us ; what resource have we yet left ? what hope of justice ? One in which, after God's unfailing Providence, we place unbounded confidence. There still remain the manly sense and honest heart of a generous people ; that love of honourable dealing and fair play, which, in joke or in earnest, is equally the instinct of an Englishman ; that hatred of all mean advantage taken, of all base tricks and paltry clap-traps and party cries employed to hunt down even a rival or a foe.

To this open-fronted, and warm-hearted tribunal I make my appeal, and claim, on behalf of myself and my fellow Catholics, a fair, free, and impartial hearing. Fellow-subjects, Englishmen, be you, at least, just and equitable ! You have been deceived—you have been misled, both as to facts and as to intentions. I will be plain and simple, but straightforward and bold. I will be brief also, as far as I can, but as explicit as may be necessary.

I begin, therefore, at once with

### § I. *The Royal Supremacy, and Bishops named by the Crown.*

Down to the year 1829, Catholics were excluded from both Houses of Parliament, and from many other offices and dignities. Or it may be more correct to say they were only enabled to attain these distinctions, by taking an oath, entitled, the *Oath of Supremacy*. There was also a declaration required against several Catholic doctrines : but any Catholic who would have acknowledged the Sovereign's supremacy, would easily have denied those doctrines, and so have taken the entire oath.

What was meant by the King's supremacy was, that in him

\* Lord Chief-Justice Campbell, I understand, really said, that "there seemed to be only one topic on which any one could speak ; but that, for his part, if the high dignitaries alluded to were to come before *him*, they should, at least, have an impartial trial."

was vested the headship of the church in all the British empire, so that he had supreme power in "ecclesiastical and spiritual" matters, as well as in "civil and temporal;" and every one was held to be as subject to the one as to the other. The acknowledgment of, and subjection to, this *spiritual* supremacy was incompatible with the doctrine and belief of Catholics all over the world; namely, that there are no such things as national, or separate churches; but only one true Catholic, or universal church, under one head, the Bishop of Rome, otherwise called the Pope.

The Catholic, who believed in this doctrine, could not, without giving the lie to his faith, swear or admit that the temporal Sovereign is head of *the* Church, nor of any Church that claimed *his* obedience.

And because he would not admit that royal supremacy, or, what is the same, he admitted the papal supremacy in spirituals, the Catholic was excluded from partaking of the privileges of the Constitution.

At an earlier period Catholics used to be put to death for their denial of the kingly ecclesiastical supremacy. The greatest and best of English judges, the Chancellor Sir Thomas More, was beheaded for denying that supremacy, and maintaining the Pope's.

In the year above-mentioned, 1829, an Act was passed, and became law, which is familiarly known as the Catholic Emancipation Act. By this, Catholics were freed from all obligation of swearing to, and consequently of acknowledging, the royal ecclesiastical supremacy; and an oath of allegiance was framed peculiarly for them, which excluded all declaration of belief in that principle.

A Catholic, therefore, before 1829, in the eye of the law, was a person who did not admit the royal supremacy, and therefore was excluded from full enjoyment of civil privileges. A Catholic after 1829, and therefore in 1850, is a person who still continues not to admit the royal supremacy, and nevertheless is admitted to full enjoyment of those privileges.

The royal supremacy is no more admitted by the Scotch Kirk, by Baptists, Methodists, Quakers, Independents, Presbyterians, Unitarians, and other dissenters, than by the Catholics. None of these recognise in the Queen any authority to interfere in their religious concerns, to appoint their ministers for them, or to mark the limits of their separate districts in which authority has to be exercised.

None of these, any more than Catholics, recognise in the Bishops appointed by our gracious Queen, in virtue of her supremacy, any authority to teach them, or rule them. The real sway, therefore, of this spiritual prerogative is confined to that body of Christians, who voluntarily remain subject to the ecclesiastical establishment called the Church of England. Any one can, when



he pleases, separate himself from this body, and from that moment he ceases to consider the Bishop appointed by the Crown as his pastor, superior in spirituals, or master in faith.

While the State reserves for that establishment, within the limits of which the royal supremacy is strictly and fully exercised, all dignity, honour, pre-eminence, and endowment, it freely grants to all who choose to live out of its domination, as their equivalent, perfect toleration, complete freedom to practise their religion, whether new or old, according to its principles, and to its perfect development, so long as the practice is within the bounds of law, and trenches upon no others' rights.

When, therefore, the Sovereign appoints a new bishop to a see, the Catholic, and I suppose the Dissenter, divides the act between two distinct powers. As Sovereign, and as dispenser of dignities, the King or Queen bestows on the person elected, dignity, rank, and wealth; he is made a Lord of Parliament, receives a designation and title, becomes seised of certain properties which entitle him to fines, rents, and fees. To all this they assent; they may protest, but they do not refuse the honours due to one whom the King is pleased to honour. The title is accorded, be it "His Lordship" or "His Grace;" his peerage is admitted, with all its consequent distinctions, and his fines and fees are paid as to any other landlord.

But further, in virtue of the spiritual supremacy, the same Sovereign confers on that person spiritual and ecclesiastical jurisdiction; and this, in fact, is acknowledged only by those who are members of the Church of England. Thus, if, in virtue of this commission, the bishop publicly teaches or denies, as the case may be, the doctrine of baptismal regeneration, a Catholic no more heeds his teaching than he does that of a dissenting minister. If he comes into a town, and invites all to come and be confirmed by him on a given day, no Catholic takes more notice of the call than he does of the parish beadle's notices, among which it is fastened on the church door. If he appoints a triennial visitation, for correction of abuses and hearing of complaints, no Catholic troubles himself about his coming. And what the Catholic does in regard to these functions of an Anglican bishop, an Independent does just as much.

It follows, that a marked distinction exists between the authority possessed by a bishop and that of any other functionary named by the Queen's excellent Majesty. If she appoint an admiral, or commander-in-chief, or governor of a colony, or judge, every one is bound to obey that person in all that belongs specifically to his office, and any one would be punishable if he refused. But in regard to a bishop, it is exactly the contrary. Precisely in those very matters which appertain to his office we are not bound to obey him. No one is obliged to seek doctrine from his teaching, sanctification from his ministrations, or grace from his blessing.

This anomalous difference arises from the circumstance, that the commission given to civil and military officers flows from the temporal sovereignty, which none may impugn; while that to the ecclesiastical functionaries proceeds from the spiritual jurisdiction which may be, and is, lawfully denied.

When a Dissenter denies the royal supremacy (always meaning by this term the spiritual or ecclesiastical jurisdiction attributed to the Crown), he substitutes, perhaps, for it some other authority, in some synod, or conference; or he admits of none other to take its place. But when the Catholic denies it, it is because he believes another and a true ecclesiastical and spiritual supremacy to reside in the Pope, or Bishop of Rome, over the entire Catholic Church. With him the two acts resolve themselves into one; denial of the royal supremacy and assertion of the Papal supremacy. And as it is perfectly lawful for him to deny the one, so is it equally lawful for him to assert the other. Hence Lord Chancellor Lyndhurst, in the House of Lords, May 11, 1846, spoke to the following effect:—

“He said, that it was no crime in the Roman Catholic to maintain and defend the supremacy of the Pope; but that if he did it for mischievous purposes, and circulating immoral doctrines and opinions, he was liable to punishment by the common law; but if he merely maintained and defended, *as he was bound to do*, the spiritual authority of his superior, then he said that he was guilty of no offence against the laws of the country. The Right Reverend Prelate (the Bishop of Exeter) had asked his opinion and that of the learned judges as to the right of the Roman Catholics to maintain and defend the supremacy of the Pope in spiritual matters. He said, that *it was no offence at common law for them to do so*; but, on the other hand, if any person improperly, wantonly, or seditiously, called in question the supremacy of the Crown of England—and *that*, it was to be observed, *included the temporal as well as the spiritual power of the Crown*—if any, from any improper motive or purpose, or in any improper manner, questioned *that* supremacy, then that person would be liable to a prosecution at the common law; and there could be no doubt, if the learned judges were consulted, they would so determine.”\*

In the present contest, it is of great importance to keep these maxims in mind. For both in the papers, and still more in addresses, it is almost assumed that Catholics have now, for the first time, denied the authority of Anglican bishops, or impugned the spiritual supremacy of the Crown. The bishops and clergy are, of course, turning the crisis to their own best advantage, and associating their pretensions with the rights of the Sovereign. They are endeavouring, and will endeavour, to regain that influence

\* Hansard, vol. 84, p. 310.



which they have lost over the hearts of the people, and think to replace, by one burst of fanaticism, the religious ascendancy which years have worn away. But this will not be permitted them by a people too much enlightened on the subject of religious toleration, as enjoyed in England, to be easily fooled out of the privileges which it possesses. The nation will watch with jealousy any attempt to curtail or to narrow them, even though Catholics be the victims. Believe me, at this moment, the danger to the religious and civil liberties of Englishmen is not from any infringement on them by the Pope, in granting to English Catholics what I hope to show you they had full right to obtain from him, but from those who are taking advantage of the occurrence to go back a step, if they can, in the legislation of toleration, and take away from a large body of Englishmen, what at present is lawful to them in regard to the free exercise of their religion.

I proceed, therefore, to examine, in

§ II. *What was the extent of religious toleration granted to Catholics? Have they a right to possess Bishops or a Hierarchy?*

The Act of Catholic Emancipation was considered, not only by those whom it benefited, but by all who consented to it, as an act of justice, rather than of favour. It was deemed unjust to exclude from fair participation in constitutional rights, any Englishman on account of his religious opinions. By this Act, therefore, preceded and followed by many others of lesser magnitude, the Catholics of the British empire were admitted to complete toleration, that is, were made as free as any other class of persons, to profess and practise their religion in every respect. The law made a few exceptions; but the enumeration of these only served to prove, that, in every other respect but *these*, the law recognised no restrictions. "If the law," observed Lord Lyndhurst, "allowed the doctrines and discipline of the Roman Catholic Church, it should be allowed to be carried on perfectly and properly."\*

Hence to have told Catholics, "You have perfect religious liberty, but you shall not teach that the Church cannot err; or, you have complete toleration, but you must not presume to believe holy orders to be a sacrament," would have been nugatory and tyrannical.

Now, holy orders require bishops to administer them, consequently a succession of bishops to keep up a succession of persons in orders.

Hence the Catholic Church is essentially episcopal; and to say, "You Catholics shall have complete religious toleration, but you shall not have bishops among you to govern you," would have been

\* Speech in the Lords, April 20, 1846, Hansard, vol. 85, p. 1261.

a complete contradiction in terms : it would have amounted to a total denial of religious toleration.

When, therefore, emancipation was granted to Catholics, full power was given them to have an episcopate, that is, a body of bishops to rule them, in communion with the Pope, the avowed head of their Church.

Now, government by bishops in the Catholic Church may be of two kinds.

*First*, the regular, ordinary, proper, and perfect form of episcopal government consists of a local hierarchy, that is, a body of bishops having their sees in the country, with an archbishop similarly holding his see. Such is the episcopacy where constituted in its ordinary form.

*Secondly*, where this proper form is not attainable, a temporary and less perfect mode of providing bishops for a country is adopted. The Pope names bishops to ancient sees situated in now infidel countries, as Turkey or Barbary, and gives them jurisdiction in the country to be provided for, as his own immediate vicars. Hence such Bishops are called *Vicars-Apostolic*.

When emancipation or full religious freedom was granted to Catholics, if in this was included full liberty to be governed by bishops, according to the constitution and ordinances of their own Church, it follows that they were at perfect liberty to have it governed according to the *regular* and *ordinary* form of their Constitution, as much as by the temporary and irregular ; and that is by a hierarchy of local bishops.

To have said to Catholics, " You are perfectly free to practise your religion, and to have your own Church-government, but you shall not be free to have it in its ' proper and perfect ' form, but only in the imperfect form in which it has been tolerated, while you had not liberty of conscience," would have been a tyranny, and, in fact, a denial of that very liberty of conscience.

But the fact is a simple and plain one, that the law did not say so, and did *not* put on any such restriction : and we are to be governed by law, and not by assertions. If the Catholics are at liberty, by law, to have bishops at all, they are as much at liberty to have local bishops, as to have vicars-apostolic.

Nay, more than this, the law plainly foresaw, and provided for our having regular bishops one day, instead of vicars.

*First*, as Lord Lyndhurst, already quoted, has observed, " if the law allowed the doctrines and the discipline of the Roman Catholic Church, *it should be allowed to be carried out perfectly and properly.*" This is in the spirit of every legislation. Our Church system would not be allowed to be carried out *perfectly and properly*, if it was understood (*where not expressed*) that it was only to be allowed to be carried out in its *imperfect* and *less proper* form. Suppose a man has kept possession for years of a house which he had built for himself on my land, without my permis-



sion, and then we come to an amicable arrangement, and I give him leave, without any restriction, to have a house there ; could I complain, if, when his old one required rebuilding, he made it of brick or stone, and say, that I always meant he was only to keep up a wooden and temporary house? If any Sovereign granted to any distant country its independence, and power to rule itself by a monarchical government, would it be just, when that form of jurisdiction was established, to complain and say, that by the concession was only meant, a perpetual state of regency, such as existed till the King was chosen? Now, if Catholics at their emancipation were allowed to build up their church according to its avowedly proper plan, which is episcopal, what right can any one have to say, " Yes, but it was meant that you should only build it of temporary and imperfect materials, such as we have tolerated in you, during your oppression and exclusion?" And then, government of a Church by Vicars-Apostolic is to its normal state just what a regency is to a monarchy.

*Secondly*, the law did put on a restriction. There is an axiom in law, *Exclusio unius est admissio alterius*: that is, if you specifically exclude or deny the use of one particular thing, you thereby admit the lawful use of that which is not denied. To take the instance above given ; if I had said, in my agreement with the householder, that he might not in building make any use of sandstone, this would have implied that he might employ granite, or limestone, or *any other* stone but the one excluded. Now, if the law of emancipation did make one exclusion and prohibition respecting the titles of Catholic Bishops, it thereby permitted, as perfectly within law, whatever in that respect came not under that exception. The Act of Emancipation forbids any one from assuming or using the style or title of any Bishopric or Archbishopric of the Established Church in England or Ireland.\* From this it follows that they are allowed to assume *any other titles*. The Bishop of London himself has seen this, and, in his answer to the Chapter of Westminster, acknowledges that the new Catholic Bishops cannot be touched by the law, as it stands : but he wishes Parliament to be petitioned for a new law, which will narrow the liberty here given us.

I conclude, therefore,—

*First*, that Catholics, by law, had a right to be governed by Bishops.

*Secondly*, that no law or authority bound them to be for ever governed by Vicars-Apostolic, and that they were at liberty to have a Hierarchy, that is, an Archbishop and Bishops with local titles, or titles from places in the country.

\* It is clear that no difference whatever is made in this enactment between England and Ireland. Indeed, the word "assuming" seems to apply to the former ; "using" to the latter. 10 Geo. IV. c. 7, sec. 24.

*Thirdly*, that accordingly such titles are not against any law, so long as they are not the actual titles held by the Anglican Hierarchy.

*Fourthly*, that all these conditions having been exactly observed in the late erection of the Catholic Hierarchy, this is perfectly legal, perfectly lawful, and unassailable by any present law.

Then why all the clamour that has been raised? On what ground does the attack made upon us rest? Why have we been denounced—why held up to public hatred? Why pointed out to public fury? I have not seen one paper which, during the violence of the storm, thought it worth while to look into the question of law, and calmly inquire—“Have the Catholics violated, or gone beyond, the law of the land? If not, why should they be thus perseveringly abused?”

Is it because the Church of England is supposed to be attacked by this measure of the Catholic Church, or its securities are threatened? This is the great and natural grievance of the Anglican clergy in their remonstrances. To this I reply—*first*, that, even when, in the Emancipation Act, Catholic Bishops were restrained from taking the very titles held by the Anglican, this restriction was not intended, or supposed, to give the slightest security to the English Church. Speaking of it, the Duke of Wellington remarked, that “the [restrictive] clause *was no security*; but it would give satisfaction to the United Church of England and Ireland. According to the laws of England, the title of a diocese belonged to persons appointed to it by his Majesty; but it was desirable that others appointed to it by an assumed authority should be discountenanced, and that was the reason why the clause was introduced. This was one of the instances which showed how difficult it was to legislate upon this subject at all. *He was aware that this clause gave no security to the Established Church, nor strengthened it in any way*, but it was inserted to give satisfaction to those who were disturbed by this assumption of title by the Catholic clergy.”\*

Even, therefore, our being restrained from adopting its very titles, could give no security to the Established Church; so that we may conclude that still less security would be given to it by our being forbidden to assume titles which are not theirs. The legislation on this subject had clearly no bearing on the security of the Church of England; and if we are to be considered guilty of an aggression against her, and have to be dealt with by fresh penal legislation, for the purpose of propping her up, I do not see where you can stop, consistently, short of forbidding Catholics to have any Bishops at all. You cannot make a law that they shall only be governed by Vicars-Apostolic, which would be acknowledging directly the Pope’s power in the realm (which the



Protestant Bishops under oath cannot do) ; still less can you proceed to forbidding them to have Bishops of any sort, which would put them back into a worse condition than they were during the operation of the penal laws. Any step backward is a trenching on the complete toleration granted us.

2. The appointment of a Catholic Hierarchy does not in any way deprive the English Establishment of a single advantage which it now possesses. Its Bishops retain, and, for anything that the new Bishops will do, may retain for ever, their titles, their rank, their social position, their pre-eminence, their domestic comforts, their palaces, their lands, their incomes, without diminution or alteration. Whatever satisfaction it has been to you till now to see them so elevated above their Catholic rivals, and to have their wants so amply provided for, you will still enjoy as much as hitherto. And the same is to be said of the second order of clergy. Not an Archdeaconry, or Deanery, or Canonry, or Benefice, or living, will be taken from them, or claimed by the Catholic priesthood. The outward aspects of the two Churches will be the same. The Catholic episcopacy and the Catholic priesthood will remain no doubt poor, unnoticed by the great, and by the powerful (so soon as the present commotion shall have subsided), without social rank or pre-eminence. If there be no security for the English Church, in this overwhelming balance in its favour of worldly advantages, surely the exclusion of Catholics from the possession of local sees will not save it. It really appears to be a wish on the part of the clerical agitators to make people believe that some tangible possession of something solid in their respective sees has been bestowed upon the new Bishops ; "something territorial" as it has been called. Time will unmask the deceit, and show that not an inch of land, or a shilling of money, has been taken from Protestants and given to Catholics.

3. Nor is an attempt made to diminish any of the moral and religious safeguards of that establishment, which views our new measure with such watchful jealousy. Whatever that institution has possessed or done, to influence the people or attach its affections, it will still possess, and may continue to do. That clear, definite, and accordant teaching of the doctrines of their Church, that familiarity of intercourse and facility of access, that close and personal mutual acquaintance, that face to face knowledge of each other, that affectionate confidence and warm sympathy, which form the truest, and strongest, and most natural bonds between a pastor and his flock, a Bishop and his people, you will enjoy, to the full, as much as you have done till now. The new Bishops will not have occasion to cross the path of the prelates of the Anglican establishment in their sphere of duty ; they will find plenty to do, besides their official duties, in attending to the wants of their poor spiritual children, especially the multitudes of

poor Irish, whose peaceful and truly Catholic conduct, under the whirlwind of contumely which has just assailed them, proves that they have not forgotten the teaching of their Church—not to revile when reviled, and when they suffer, not to threaten.

4. But, in truth, when I read the frequent boasting of the papers, and the exulting replies of Bishops, that this movement in the Catholic Church, instead of weakening, has strengthened the Established Church, by rousing the national Protestantism, and awakening dormant sympathies for its ecclesiastical organization, I cannot but wonder at the alarm which is expressed. The late measure is ridiculed as powerless, as effete, as tending only to the overthrow of Popery in England. Then act on this conviction; show that you believe in it; give us the little odds of a title, which bestows no power, rank, wealth, or influence, on him that bears it, and keep undisturbed those other realities, and let the issue be tried on these terms, so much in your favour. Let it be a fair contention, with theological weapons and fair arguments. If you prevail, and Catholicity is extinguished in the island, it will be a victory without remorse. It will have been achieved by the power of the Spirit, and not by the arm of flesh; it will prove your cause to be Divine. But if, in spite of all your present advantage, our religion does advance, does win over to it the learned, the devout, and the charitable,—does spread itself widely among the poor and simple,—then you will not check its progress by forbidding a Catholic Bishop to take the title of Hexham or of Clifton.

But it will be no doubt said, that many who do not greatly sympathise with the Establishment are indignant at the late measure, not because Catholics have obtained a Hierarchy, but because its appointment is the work of the Pope. This interference of Rome has aroused so much public feeling. Let us then inquire into this point.

### § III. *How could Catholics obtain their Hierarchy?*

We have seen that, not only we possess a full right, by law, to be governed by Bishops, but that we have an equal right to be governed by them according to the proper and perfect form of Episcopal Government, that is, by Bishops in ordinary, having their sees and titles in the country.

If we have a perfect right to all this, we have no less a perfect right to employ the only means by which to obtain it.

We have seen that Catholics are allowed by law to maintain the Pope's supremacy in ecclesiastical and religious matters; and one point of that supremacy is, that he alone can constitute a Hierarchy, or appoint Bishops. Throughout the Catholic world this is the same. Even where the civic power, by an arrangement with the Pope, *names*, that is proposes, a person to be a Bishop, he cannot be consecrated without the Pope's confirmation or



acceptance ; and if consecrated already, he can have no power to perform any functions of his office without the same sanction.

If therefore the Catholics of this country were ever to have a Hierarchy at all, it could only be through the Pope. He alone could grant it.

This is no new or unknown doctrine : it has long been familiar to our statesmen, as well as to every one who has studied Catholic principles.

Lord John Russell, in his speech in the House of Commons, August 6, 1846, thus sensibly speaks upon the subject :—“ There is another offence of introducing a Bull of the Pope into the country. The question is, whether it is desirable to keep up that, or any other penalty for such an offence. It does not appear to me, that we can possibly attempt to prevent the introduction of the Pope’s Bulls into this country. *There are certain Bulls of the Pope which are absolutely necessary for the appointment of Bishops and pastors belonging to the Roman Catholic Church. It would be quite impossible to prevent the introduction of such Bulls.*”\*

Lord Chancellor Lyndhurst ; “ They tolerated the Catholic prelates, and they knew that these prelates could not carry on their Church establishments, or conduct its discipline, without holding communication with the Pope of Rome. *No Roman Catholic Bishop could be created without the authority of a Bull from the Pope of Rome ;* and many of the observances of their Church required the same sanction. The moment, therefore, that they sanctioned the observance of the Roman Catholic religion in this country, they by implication allowed the communication [with the Pope] prohibited by this statute, and for which it imposed the penalties of high treason. If the law allowed the doctrines and discipline of the Roman Catholic Church, it should be permitted to be carried on perfectly and properly ; and that could not be without such communication. On these grounds he proposed to repeal the Act.”† (13th Eliz.)

These quotations prove that in both Houses of Parliament the principle has been clearly laid down, that if Catholics are to have Bishops at all, the Pope, and the Pope alone, can make them for them. Then it enters as completely into the principles of religious liberty that the Pope should name the Hierarchy, as that Catholics should have the right to possess one—a right as necessary for them, as is for the Wesleyans that of having Conferences with Superintendents.

But it may be said, what induced the Pope to appoint this Hierarchy now, and in so sudden a manner ?

For an answer to this question, I must refer you to my introduction, in which you will find, I trust, a satisfactory one. You

\* Hansard, vol. lxxxviii. p. 362.

† *Ibid.* vol. lxxxv. p. 1261.

will see that the Pope has finally granted now to his Catholic children in England, what they had petitioned for, and obtained three years ago ; and that if half the attention had been paid to our affairs then, which they receive now, the public would have known all about it. I will only repeat what I have there observed ; that, in what has been done, the Pope has entirely acted, not only in accordance with the wishes, but at the earnest petition of his Vicars-Apostolic, and has seconded a warm desire of the great body of Catholics in England.

Let me then sum up briefly what I have proved thus far.

1. Catholics are not bound to obey, or to consider as their Bishops, those appointed by the Crown, under the royal ecclesiastical supremacy, which legally they are not bound to hold.

2. Catholics belong to a religion, fully tolerated, and enjoying perfect liberty of conscience, which is episcopal, and requires Bishops for its government.

3. There is no law that forbids them to have such Bishops according to their proper and ordinary form.

4. That form is, with ordinary jurisdiction, local sees, and titles derived from them : that is a Hierarchy.

5. They were fully justified in employing the only means in their power, to obtain this form of ecclesiastical government ; that is, by applying to the Holy See.

6. And they have not acted contrary to any law, by accepting the gracious concession of what they asked.

But it will be said, that though *we*, the Catholics, may have kept within the bounds of law, the act of the Pope is derogatory from, and contrary to, the Royal prerogative. Let us see.

#### § IV. *Does the appointment of a Catholic Hierarchy trench on the prerogative of the Crown ?*

This is indeed a delicate question ; and yet it must be met. Every address and every reply of Bishops and clergy assumes that the Royal prerogative has been assailed.

But this is nothing compared with the address to her Majesty, signed by some hundred members of the bar, to the effect that, by this measure, “ a foreign potentate has interfered with her Majesty’s *undoubted prerogative*, and has assumed the right of nominating Archbishops and Bishops in these realms, and of conferring on them territorial rank and jurisdiction.”

One naturally supposes that those who signed this memorial, being professionally learned in the law, have studied the question, — have come to a deliberate conclusion as to the truth of their assertion. On ordinary occasions one would bow to so overwhelming an authority : on the present, I think we shall not be wrong in demurring to its award.

There is one point which I would beg respectfully to suggest to the consideration of persons better versed in law than I am.



In this document, and in many other similar ones, including the Premier's letter, the Pope's acts are spoken of as real, and taking effect. The Pope has "assumed a right," he "has parcelled out the land;" he "has named Archbishops and Bishops." If, according to the oath taken by non-Catholics, the Pope, not only ought not to have, but really "has" *not* power or jurisdiction "spiritual or ecclesiastical" in these realms; it follows that, according to them, the Pope's ecclesiastical acts with regard to England are mere nullities, and are reputed to have no existence. It is as though the Pope had not spoken, and had not issued any document. To act otherwise is to recognise an efficient act of power on his part.

I am confirmed in this view by Lord John Russell's explanation of the Protestant oath. "The oaths now taken are not altered. *We* shall continue to take the oath, that 'the Pope has not,' &c. ; though at the same time there is no doubt, in point of fact, that he exercises a spiritual authority in these realms. I have always interpreted the oath to be, that, in the opinion of the person taking it, *the Pope has not any jurisdiction which can be enforced by law, or ought not to have.*"\* According to this test, the Pope (permissively, at least) does exercise a spiritual jurisdiction in England, and is within the limits of that toleration, so long as he does not exercise a jurisdiction which can be enforced by law, or purporting or claiming to be a jurisdiction enforceable by law. Now, no one for a moment imagines that the Pope, or the Catholics of England, or their Bishops, dream that the appointment of the Hierarchy can be "enforced by law." They believe it to be an act altogether ignored by the law; an act of spiritual jurisdiction, only to be enforced upon the consciences of those who acknowledge the Papal supremacy, by their conviction and their faith.

Has this assumption of titles been within the terms of the law? Is there any law forbidding the assumption of the title of Bishop? A certain Dr. Dillon assumed it, and ordained what he called Presbyters, and no one thought of prosecuting him. The Moravians have Bishops all over England; and so have the Irvingites, or Apostolics; yet no one taxes them with illegality. Then our taking the title of Bishops merely, constitutes no illegality. Is there any law that forbids our taking the title from any place not being a See of an Anglican Bishop? No one can say that there is.

Then I ask those more learned in the law than myself, can an act of a subject of Her Most Gracious Majesty, which by law he is perfectly competent to do, be an infringement of her Royal prerogative? If not, then I trust we may conclude, that by this

\* Hansard, vol. lxxxviii. p. 363.



new creation of Catholic Bishops that prerogative has not been violated.

No one doubts that the Bishops so appointed are Roman Catholic Bishops, to rule over Roman Catholic flocks. Does the Crown claim the right, under its prerogative, of naming such Bishops?

It will be said that no limitation of jurisdiction is made in the Papal document, no restriction of its exercise to Catholics; and hence Lord John Russell and others conclude, that there is in this Brief, "a pretension to supremacy over the realm of England, and a claim to sole and undivided sway." Every official document has its proper forms; and had those who blame the tenor of this, taken any pains to examine those of Papal documents, they would have found nothing new or unusual in this. Whether the Pope appoints a person Vicar-Apostolic, or Bishop in ordinary, in either case he assigns him a territorial ecclesiastical jurisdiction, and gives him no personal limitations. This is the practice of every Church which believes in its own truth, and in its duty of conversion. What has been done in this Brief, has been done in every one ever issued, whether to create a Hierarchy or to appoint a Bishop.

§ V. *Has the Mode of establishing the Hierarchy been "insolent and insidious?"*

The words in this title are extracted from the too memorable letter of the First Lord of the Treasury. I am willing to consider that production as a private act, and not as any manifesto of the intentions of her Majesty's Government. Unfortunately, it is difficult to abstract one's mind from the high and responsible situation of the writer, or consider him as unpledged by anything that he puts forth. There are parts of the letter on which I would here refrain from commenting, because they might lead me aside, in sorrow, if not in anger, from the drier path of my present duty. I will leave it to others, therefore, to dwell upon many portions of that letter, upon the closing paragraph in particular, which pronounces a sentence as awfully unjust, as it was uncalled for, on the religion of many millions of her Majesty's subjects, nearly all Ireland, and some of our most flourishing colonies. The charge, uttered in the ear of that island, in which all guarantees for genuine and pure Catholic education will of necessity be considered, in future, as guarantees for "confining the intellect and enslaving the soul," all securities for the Catholic religion as security for the "mummeries of superstition," in the mind of their giver—guarantees and securities which can hardly be believed to be heartily offered,—the charge thus made, in a voice that has been applauded by the Protestantism of England, produces in the Catholic heart a feeling too sickly and too deadening for indignation; a dismal despair, at finding that, where we

have honoured, and supported, and followed for years, we may be spurned and cast off, the first moment that popularity demands us as its price, or bigotry as its victim.

But to proceed; so little was I, on my part, aware that such feelings as that letter disclosed, existed in the head of our Government, on the subject of the Hierarchy, that, having occasion to write to his Lordship, on some business, I took the liberty of continuing my letter as follows:—

“ Vienna, Nov. 3, 1850.

“ MY LORD,—

\* \* \* \* \*  
\* \* \* \* \*

“ I cannot but most deeply regret the erroneous and even distorted view which the English papers have presented, of what the Holy See has done in regard to the spiritual government of the Catholics of England. But I take the liberty of stating that the measure now promulgated, was not only prepared, but printed three years ago, and a copy of it was shown to Lord Minto by the Pope, on occasion of an audience given to his Lordship by his Holiness. I have no right to intrude upon your Lordship further in this matter, beyond offering to give any explanations that your Lordship may desire: in full confidence that it will be in my power to remove particularly the offensive interpretation put upon the late act of the Holy See, that it was suggested by political views, or by any hostile feelings.

“ And with regard to myself, I beg to add, that I am invested with a purely ecclesiastical dignity—that I have no secular or temporal delegation whatever—that my duties will be what they have ever been, to promote the morality of those committed to my charge, especially the masses of our poor, and keep up those feelings of good-will and friendly intercommunion between Catholics and their fellow countrymen, which, I flatter myself, I have been the means of somewhat improving. I am confident that time will soon show, what a temporary excitement may conceal, that social and public advantages must result, from taking the Catholics of England out of that irregular and necessarily temporary state of government in which they have been placed; and extending to them that ordinary and more definite form, which is normal to their Church, and which has already been so beneficially bestowed upon almost every colony of the British empire.

“ I beg to apologise for intruding at such length upon your Lordship's attention; but I have been encouraged to do so by the uniform kindness and courtesy which I have always met with from every member of her Majesty's Government with whom I have had occasion to treat, and from your Lordship in particular,



and by a sincere desire that such friendly communication should not be interrupted.—I have the honour to be, my Lord, your Lordship's obedient servant,

(Signed) "N. CARD. WISEMAN."

"The Right Hon. the Lord John Russell,  
First Lord of the Treasury,  
&c. &c. &c."

I give this letter, because it will show that there was nothing in my mind to prepare me for that warm expression of feeling that was manifested in the Premier's letter; which, though it appeared a day or two before mine reached him, I must consider as my only reply. And I do not think that the tone of my letter will be found to indicate the existence of any insolent or insidious design.

It is my duty, therefore, now to show calmly and dispassionately, and apart from any party feelings, the reasons which led me and others to believe, that no reasonable objection could exist to our obtaining the organization of our Hierarchy in England.

1. It was notorious not only that in Ireland, the Catholic Hierarchy had been recognised and even royally honoured, but that the same form of ecclesiastical government had been gradually extended to the greater part of our colonies. Australia was the first which obtained this advantage, by the erection of the Archiepiscopal See of Sydney, with suffragans, at Maitland, Hobart-town, Adelaide, Perth, Melbourne, and Port Victoria. This was done openly, and was known publicly, and no remonstrance was ever made. Those prelates in every document take their titles, and they are acknowledged, and salaried, as Archbishop and Bishops respectively, and this not by one, but by successive governments.

Our North American possessions next received the same boon. Kingston, Toronto, Bytown, Halifax, have been erected into dioceses by the Holy See. Those titles are acknowledged by the local governments. In an Act "enacted by the Queen's excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Canada," (12 Vict. c. 136), the Right Rev. J. E. Guignes is called "Roman Catholic Bishop of Bytown," and is incorporated by the title of "the Roman Catholic Episcopal Corporation of Bytown."\*

In an Act passed March 21, 1849 (12 Vict. c. 31), the Right Rev. Dr. Walsh is styled "Roman Catholic Bishop of the Diocese of Halifax, Nova Scotia;" and through the Act, he is called "the R. C. Bishop of the said diocese.†"

Lately again, after mature consideration, the Holy See has

\* Roman Catholic Church (India, &c.) Ordered by the House of Commons to be printed, 15th August, 1850, p. 10. † *Ibid.* p. 15.



formed a new ecclesiastical province in the West Indies, by which several Vicars-Apostolic have been appointed Bishops in ordinary.

But there has been a more remarkable instance of the exercise of the Papal supremacy in the erection of Bishoprics, nearer home. Galway was not an episcopal see till a few years ago. It was governed by a Warden, elected periodically by what are called the *Tribes* of Galway, that is, by families bearing certain names, every member of which had a vote. Serious inconveniences resulted from this anomalous state of things; and hence it was put an end to by the Holy See, which changed the wardenship into a Bishopric, and appointed the Right Rev. Dr. Brown, since translated to Elphin, first Bishop of that diocese. Bishop Brown was consecrated October 23, 1831. No remonstrance was made, no outcry raised, at this exercise of Papal power.

But to return to our colonies; it had come to pass, that with the exception of India, hardly a Vicar-Apostolic was left in our foreign possessions. Far am I from blaming the sound policy of successive administrations, which had seen the practical inconveniences of a half-toleration, and semi-recognition, where friendly official intercourse and co-operation were necessary. But I may ask, is it anything unreasonable, extravagant, still more, "insolent and insidious," in the Catholics of England, to have sought and obtained what insignificant dependencies had received? Many of the Bishops of the new dioceses had scarcely a dozen priests, and but scattered flocks, generally poor emigrants. And could it be supposed, that *they* intended to remain for ever in a temporary or provisional state, when they possessed not only stately churches, eight or ten great and generally beautiful colleges, and many extensive charitable institutions, but nearly six hundred public churches or chapels, and eight hundred clergy; and when they reckoned in their body some of the most illustrious, and most distinguished men of the country? But, moreover the increase of Bishops, from four to eight, was already found to be insufficient, and it had become expedient to increase them to twelve or thirteen. Now an episcopate of thirteen Vicars-Apostolic, without of course a metropolitan, would have been an anomaly, an irregularity, without parallel, in the Church. Was it then something so unnatural and monstrous in us to call for what our colonies had received? Or had we any reason to anticipate, that the act would be characterized in the terms which I do not love to repeat?

2. But further, considering the manner in which acts of the royal supremacy had been exercised abroad, and taking it for granted that it could not be greater when exercised in foreign Catholic countries than the Pope's in our regard, we could not suppose that his appointment of Catholic Bishops in ordinary in England, would have been considered as more "inconsistent with

the Queen's supremacy," than that exercise was considered "inconsistent with the Pope's supremacy" acknowledged in those countries. I refer my readers to Mr. Bowyer's pamphlet published by Ridgway, for details of what I will briefly state.

In 1842, her Majesty was advised to erect, and did erect, (5 Vict., c. 6) a Bishopric of Jerusalem, assigning to it a diocese in which the three great Patriarchates of Antioch, Jerusalem, and Alexandria were mashed into one See, having episcopal jurisdiction over Syria, Chaldea, Egypt, and Abyssinia, subject to further limitations or alterations at the royal will. No one supposes that, for instance, the consent of the King of Abyssinia, in which there is not a single Protestant congregation, was asked. Mr. Bowyer also shows, that Bishop Alexander was not sent merely to British subjects, but to others owing no allegiance to the Crown of England. Suppose his Majesty of Abyssinia, or the Emir Beshir, had pronounced this to be an intrusion "inconsistent with the rights of bishops and clergy, and with the spiritual independence of the nation," how much would this country have cared?

Under the same statute, a Bishop of Gibraltar was named. His See was in a British territory; but its jurisdiction extended over Malta—where there was a Catholic Archbishop, formally recognised by our Government as the Bishop of Malta—and over Italy. Under this commission Dr. Tomlinson officiated in Rome, and, I understand, had borne before him a cross, the emblem of archiepiscopal jurisdiction, as if to ignore, in his very diocese, the acknowledged "Bishop of Rome." He confirmed and preached there, without leave of the lawful Bishop; and yet the newspapers took no notice of it, and the pulpits did not denounce him. But, in fact, the statute under which these things were done, is so comprehensive that it empowers the Archbishops of Canterbury or York to consecrate not only British subjects, but subjects and citizens of any foreign State, to be Bishops in any foreign country. No consent of the respective Governments is required; and they are sent not only to British subjects, but to "such other Protestant congregations as may be desirous of placing themselves under his or their authority."

If, therefore, the royal supremacy of the English Crown could thus lawfully exercise itself, where it never had before exercised authority, and where it is not recognised, as in a Catholic country—if the Queen, as head of the English Church, could send Bishops into Abyssinia and Italy; surely Catholics had good right to suppose that, with the full toleration granted them, and the permitted exercise of papal supremacy in their behalf, no less would be permitted to them, without censure or rebuke.

3. But not only had Catholics every ground to feel justified, by what had been elsewhere done before, in doing the same when for themselves it was requisite, without their act, any more than



preceding ones, being characterized as we have seen ; but positive declarations and public assurances led them to the same conclusion.

In 1841, or 1842, when, for the first time, the Holy See thought of erecting a Hierarchy in North America, I was commissioned to sound the feelings of Government on the subject. I came up to London for the purpose, and saw the Under-Secretary for the Colonies, of which Lord Stanley was the Secretary. I shall not easily forget the urbanity of my reception, or the interesting conversation that took place, in which much was spoken to me which has since come literally true. But on the subject of my mission, the answer given was something to this effect :—“ What does it matter to us what you call yourselves, whether Vicars-Apostolic, or Bishops, or Muftis, or Imaams, so that you do not ask us to do anything for you ? We have no right to prevent you taking any title among yourselves.” This, however, the distinguished gentleman alluded to observed was his private opinion, and he desired me to call again in a few days. I did so, and he assured me, that, having laid the matter before the head of the department, the answer was the same as he had before given me. I wrote it to Rome, and it served, probably, as the basis of the nomination of Bishops in ordinary in North America. I have no doubt the documents referring to this transaction will be found in the Colonial Office.

In the debate on the Catholic Relief Bill, July 9, 1845, Lord John Russell, then in opposition, spoke to the following effect :—“ He, for one, was prepared to go into Committee on those clauses of the Act of 1829. He did not say that he was at once prepared to repeal all those clauses, but he was willing to go into Committee to deliberate on the subject. *He believed that they might repeal those disallowing clauses, which prevented a Roman Catholic Bishop assuming a title held by a Bishop of the Established Church. He could not conceive any good ground for the continuance of this restriction.*” \* It must be observed that there is nothing in the context, which limits these sensible and liberal words to Ireland. They apply to the repeal of the whole clause, which, as we have seen, extends equally to both countries.

What his Lordship had said in 1845, he deliberately, and even more strongly, confirmed the following year. In the debate on the first reading of the Roman Catholic Relief Bill, Feb. 5, 1846, he referred to his speech, just quoted, of the preceding session, in the following terms :—

“ Allusion having been made to him (by Sir R. Inglis), he wished to say a few words as to his former declaration, ‘ that he was not ready at once to repeal these laws without consideration.’ Last session he had voted for the Committee, but had

\* Hansard, vol. lxxxii. p. 290.



reserved to himself the right of weighing the details. It appeared to him that there was one part of the question that had not been sufficiently attended to: the measure\* of Government, as far as it was stated last year, did not effect that relief to the Roman Catholics from a law by which they were punished, both for assuming episcopal titles in Ireland, and for belonging to certain religious orders. That part of the subject required interference by the Legislature. *As to preventing persons assuming particular titles, nothing could be more absurd and puerile than to keep up such a distinction.* He had also the strongest objection to the law which made Jesuits in certain cases subject to transportation; the enactment was as intolerant as it was inefficacious, and it was necessary that the law should be put on an intelligible and rational footing."†

It would appear, therefore, that whatever hesitation Lord John Russell had about repealing other clauses in the Emancipation Act, his mind was made up about the restriction from Catholics assuming the very titles of sees held by Anglican Bishops. Had he obtained his wishes in 1846, the law would now have permitted us to call ourselves Bishops of London or Chester, and Archbishop of Canterbury. I quote these passages, not for the purpose of charging Lord John Russell with inconsistency, but merely to justify ourselves, and show how little reason we could have had for believing, that our acting strictly within the law respecting episcopal titles, would have been described as it has been. For if it was puerile in 1846, to continue to prevent Catholics from taking even the reserved titles, and no good reason existed for the continuance of even *that* restriction, is it manly in 1850 to denounce, as "insolent and insidious," the assumption of legal and open titles, accorded to us by the authority which Lord John acknowledges can alone bestow episcopacy upon us.

I have already alluded to Lord Minto's being shown the brief for the Hierarchy, printed about two years ago. The circumstance may have escaped his Lordship's memory; or he may not at the time have attended to it, from bearing more important matters in his mind. But as to the fact that his attention was called to it, and he made no reply, I can have no doubt.

I trust, therefore, that I have said enough to prove that Catholics have not acted in an unbecoming manner, in claiming for themselves the same right of possessing a Hierarchy, as had been allowed to the Colonies, and so obtain a great advantage, which they had every reason to consider as no less permitted to themselves. One more topic remains.

\* The Religious Opinions Bill, which the Government had promised.

† Hansard, vol. lxxxiii. p. 502.

§ VI.—*The Title of Westminster.*

The selection of this title for the Metropolitan See of the new Hierarchy has, I understand, given great offence. I am sorry for it.\* It was little less than necessity which led to its adoption. I must observe, that according to the discipline of the Catholic Church, a Bishop's title *must* be from a town or city. Originally almost every village or small town had its Bishop, as appears from the history of the African Church. But a town or city a Bishopric must still be; a "territorial" title is never given. Thus in Van Diemen's Land, while the Anglican Bishop takes his title of Tasmania from the territory, the Catholic derives his of Hobart-town, from the town. In re-establishing a Catholic Hierarchy in England, it was natural and decorous, that its metropolitan should have his see at the capital. This has been the rule at all times; though of course those capitals may decay into provincial towns, without losing their privilege. The very term Metropolitan, signifies, the Bishop of the Metropolis. This being the principle or basis of every Hierarchy, how was it to be acted on here? London was a title inhibited by law: Southwark was to form a separate see. To have taken the title of a subordinate portion of what forms the great conglomeration of London, as Finsbury, or Islington, would have been to cast ridicule, and open the door for jeers, upon the new Episcopate. Besides, none of these are towns or cities. Westminster naturally suggested itself, as a city unoccupied by any Anglican See, and giving an honourable and well-known metropolitan title. It was consequently selected, and I can sincerely say, that I had no part whatever in the selection. But I rejoice that it was chosen, not because it was the seat of the courts of law, or of parliament, or for any such purpose, but because it brings the real point more clearly and strikingly before our opponents; "Have we in anything acted contrary to law? And if not, why are we to be blamed?"

But I am also glad for another reason. The Chapter of West-

\* I have been told that great offence has been taken at the use of the word to "govern," found in my Pastoral, as though implying some temporal authority. I find, however, that in this appeal, I have again and again used the word, because it is the usual, and almost only word, applied amongst us to episcopal rule. It must be remembered that the Pastoral was addressed, in the usual form of such documents, "to the clergy, *Secular* and *Regular*, and to the *Faithful*," which showed it to be meant for Catholics alone, who could understand the word. I have been in the habit of addressing several Pastorals a-year, to the Catholics confided to my charge, which have been always read in our churches and chapels. But this is, I believe, the first which the press has done me the honour of transferring to its columns. It thus came to be represented as addressed to all the inhabitants of certain counties, a sort of edict or manifesto, instead of a *Pastoral*, usually confined to Catholic hearing or perusal.



minster has been the first to protest against the new Archiepiscopal title, as though some practical attempt at jurisdiction within the *Abbey* was intended. Then let me give them assurance on that point, and let us come to a fair division and a good understanding.

The diocese, indeed, of Westminster embraces a large district, but Westminster proper consists of two very different parts. One comprises the stately Abbey, with its adjacent palaces and its Royal parks. To this portion the duties and occupation of the Dean and Chapter are mainly confined; and they shall range there undisturbed. To the venerable old Church I may repair, as I have been wont to do. But perhaps the Dean and Chapter are not aware that, were I disposed to claim more than the right to tread the Catholic pavement of that noble building, and breathe its air of ancient consecration, another might step in with a prior claim. For successive generations there has existed ever, in the Benedictine order, an Abbot of Westminster, the representative, in religious dignity, of those who erected, and beautified, and governed that church and cloister. Have they ever been disturbed by this "titular?" Have they heard of any claim or protest on his part, touching their temporalities? Then let them fear no greater aggression now. Like him, I may visit, as I have said, the old Abbey, and say my prayer by the shrine of good St. Edward; and meditate on the olden times, when the Church filled without a coronation, and multitudes hourly worshipped without a service.

But in their temporal rights, or their quiet possession of any dignity and title, they will not suffer. Whenever I go in, I will pay my entrance-fee, like other liege subjects, and resign myself meekly to the guidance of the beadle, and listen, without rebuke, when he points out to my admiration detestable monuments, or shows me a hole in the wall for a confessional.

Yet this splendid monument, its treasures of art, and its fitting endowments, form not the part of Westminster which will concern me. For there is another part which stands in frightful contrast, though in immediate contact, with this magnificence. In ancient times, the existence of an Abbey on any spot, with a large staff of clergy, and ample revenues, would have sufficed to create around it a little paradise of comfort, cheerfulness, and ease. This, however, is not now the case. Close under the Abbey of Westminster there lie concealed labyrinths of lanes and courts, and alleys and slums, nests of ignorance, vice, depravity, and crime, as well as of squalor, wretchedness, and disease; whose atmosphere is typhus, whose ventilation is cholera; in which swarms a huge and almost countless population, in great measure, nominally at least, Catholic; haunts of filth, which no sewage committee can reach—dark corners, which no lighting-board can brighten. This is the part of Westminster which alone I covet, and which I shall be glad to claim and to visit, as a blessed pasture in which sheep of holy



Church are to be tended, in which a Bishop's godly work has to be done, of consoling, converting, and preserving. And if, as I humbly trust in God, it shall be seen, that this special culture, arising from the establishment of our Hierarchy, bears fruits of order, peacefulness, decency, religion, and virtue, it may be that the Holy See shall not be thought to have acted unwisely, when it bound up the very soul and salvation of a chief pastor with those of a city, whereof the name indeed is glorious, but the purlieus infamous—in which the very grandeur of its public edifices is as a shadow, to screen from the public eye sin and misery the most appalling. If the wealth of the Abbey be stagnant and not diffusive, if it in no way rescue the neighbouring population from the depths in which it is sunk, let there be no jealousy of any one who, by whatever name, is ready to make the latter his care, without interfering with the former.

I cannot conclude without one word, on the part which the clergy of the Anglican Church have acted in the late excitement. Catholics have been their principal theological opponents, and we have carried on our controversies with them temperately, and with every personal consideration. We have had no recourse to popular arts to debase them; we have never attempted, even when the current of public feeling has set against them, to turn it to advantage, by joining in any outcry. They are not *our* members, who yearly call for returns of sinecures, or episcopal incomes: they are not our people who form Anti-Church and State Associations: it is not our press which sends forth caricatures of ecclesiastical dignitaries, or throws ridicule on clerical avocations. With us the cause of truth and of faith has been held too sacred to be advocated in any but honourable and religious modes. We have avoided the tumult of public assemblies, and farthing appeals to the ignorance of the multitude. But no sooner has an opportunity been given for awakening every lurking passion against *us*, than it has been eagerly seized by the ministers of that establishment. The pulpit and the platform, the church and the town-hall have been equally their field of labour; and speeches have been made, and untruths uttered, and calumnies repeated, and flashing words of disdain, and anger, and hate, and contempt, and of every unpriestly, and unchristian, and unholy sentiment have been spoken, that could be said against those who almost alone have treated them with respect. And little care was taken at what time, or in what circumstances these things were done. If the spark had fallen upon the inflammable materials of a gunpowder-treason mob, and made it explode, or, what was worse, had ignited it, what cared they? If blood had been inflamed, and arms uplifted, and the torch in their grasp, and flames had been enkindled, what heeded they? If the persons of those whom consecration makes holy, even according to their own belief, had been seized, like the Austrian general's, and

ill-treated, and perhaps maimed or worse, what recked they? These very things were, one and all, pointed at as glorious signs, should they take place, of high and noble protestant feeling in the land, as proofs of the prevalence of an unpersecuting, a free inquiring, a tolerant gospel creed!

Thanks to you, brave, and generous, and noble-hearted people of England! who would not be stirred up by those whose duty it is to teach you gentleness, meekness, and forbearance, to support what they call a religious cause, by irreligious means; and would not hunt down, when bidden, your unoffending fellow-citizens, to the hollow cry of *No Popery*, and on the pretence of a fabled aggression.

Thanks to you, docile and obedient children of the Catholic faith, many of you I know by nature fervid, but by religion mildened, who have felt indeed—who could help it? the indignities that have been cast upon your religion, your pastors, and your highest chief, but have borne them in the spirit of the great Head of your Church, in silence and unretorting forbearance. But whatever has been said in ignorance, or in malice, against us, or against what is most dear to us, commend with me to the forgiveness of a merciful God; to the retributions of His kindness, not to the award of His justice. May He not render to others as they would have done to us; but may He shower down His kindnesses upon them, in proportion as they would have dealt unkindly in our regard. The storm is fast passing away; an honest and upright people will soon see through the arts that have been employed to deceive it, and the reaction of generosity will soon set in. Inquiry is awakened, the respective merits of Churches will be tried by fair tests, and not by worldly considerations; and Truth, for which we contend, will calmly triumph. Let your loyalty be unimpeachable, and your faithfulness to social duties above reproach. Shut thus the mouths of adversaries, and gain the higher good-will of your fellow-countrymen, who will defend in you, as for themselves, your constitutional rights, including full religious liberty.





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